

The following is an Adobe Acrobat reproduction of the official

**Notice of Final Deletion**

of

**Hagerson Road Drum**

from the

**Texas Superfund Registry**

as published in the

***Texas Register***

**(22 TexReg 3630-3631)**

on

**April 18, 1997**

**The records for this site, including documents  
pertinent to the determination to delete, are  
available for viewing and copying**

**at**

**TNRCC Records Management Center  
12100 Park 35 Circle, Bldg E  
Austin, Texas**

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## Provisionally-Issued Temporary Permits to Appropriate State Water

Listed below are permits issued during the period of April 7, 1997 through April 11, 1997.

Permit Number TP-7789 issued to Tri County Service Co., Inc. to divert and use 1 acre-foot of water from Balcones Creek, a tributary of Cibolo Creek, a tributary of the San Antonio River, San Antonio River Basin for industrial purposes in Kendall County, Texas for a 1-year period of time. Water may be diverted at a maximum rate of 1.11 cfs (500 gpm) from near the I-H 10 West crossing of the Balcones Creek, approximately 2.5 miles east of Boerne, Kendall County, Texas.

Permit Number TP-7788 issued to Champagne-Webber, Inc. to divert and use six acre feet of water from the Trinity River, Trinity River Basin for industrial purposes for a 1-year period of time in Ellis County, Texas. Water may be diverted at a maximum rate of 1.11 cfs (500 gpm) from near the South Highway 34 crossing of the Trinity River, approximately 20 miles southwest of Kaufman, Kaufman County, Texas.

Permit Number TP-7787 issued to Troy Construction to divert and use five acre- feet of water from the Trinity River, Trinity River Basin for industrial purposes for a 6-month period of time in Liberty County, Texas. Water may be diverted at a maximum rate of 6.68 cfs (3,000 gpm) from near the County Road 216 crossing of the Trinity River, approximately 36 miles north of Liberty, Liberty County, Texas.

The Executive Director of the TNRCC has reviewed each application for the permits listed and determined that sufficient water is available at the proposed point of diversion to satisfy the requirements of the application as well as all existing water rights. Any person or persons who own water rights or who are lawful users of water on a stream affected by the temporary permits listed above and who believe that the diversion of water under the temporary permit will impair their rights may file a complaint with the TNRCC. The complaint can be filed at any point after the application has been filed with the TNRCC and the time the permit expires. The Executive Director shall make an immediate investigation to determine whether there is a reasonable basis for such a complaint. If a preliminary investigation determines that diversion under the temporary permit will cause injury to the complainant the commission shall notify the holder that the permit shall be cancelled without notice and hearing. No further diversions may be made pending a full hearing as provided in §295.174. Complaints should be addressed to Water Rights Permitting Section, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-4433. Information concerning these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78731, (512) 239-3300.

Issued in Austin, Texas, on April 11, 1997.

TRD-9704911

Eugenia K. Brumm, Ph.D.

Chief Clerk

Texas Natural Resource Conservation Commission

Filed: April 11, 1997

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## Public Notice

The Executive Director of the Texas Natural Resource Conservation Commission (TNRCC or commission) by this notice is issuing a final public notice of delisting of a facility from the List of Sites Proposed For Listing on the State Superfund Registry. The State Superfund Registry contains the list of sites believed to present an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment.

The delisted site is the Hagerson Road Drums State Superfund Site. This site was originally published in the *Texas Register* on July 26, 1991 (16 TexReg 4102) as a site proposed for listing on the State Superfund Registry. Hagerson Road Drums State Superfund site is located in the Community of Dewalt in Fort Bend County and consist of two areas: Area A and Area B. Area A, which is approximately 250 ft. south of Hagerson Road, is adjacent to 1215 Hagerson Road, Dewalt while Area B is located approximately 1.25 miles south of Area A.

Available site records indicate that approximately 150 drums of what is believed to be paint waste were illegally dumped at the site in the 1970's. The conditions of the drums deteriorated over time and the contents of the drums were released to the environment. Evidence also suggests that some of the drums were used for shooting ranges and in some cases the drum contents were literally emptied onto the ground.

Between 1980 and 1990, the site was investigated on six occasions by the EPA and the predecessor agencies to the TNRCC. In April 1992 a removal action, involving the removal of all the drums and the visibly contaminated soil in Area A, was conducted. The limited removal action failed to remove all visibly contaminated soil in Area B due to the vertical extent of contamination, hence the resulting excavations in Area B were backfilled with the visibly contaminated soil previously excavated, and further investigative studies were initiated in Area A and Area B. A remedial investigation and risk assessment was conducted at the site from October 1993 through May 1996.

Following the remedial investigations, only paint waste impacted soil, total lead, and Total Petroleum Hydrocarbon (TPH) warranted further consideration in the risk assessment. All other analytes either showed levels of contamination below the Instrument Detection Limit or the prescribed federal or TNRCC action levels. The quantitative and qualitative evaluation of risk associated with the detected levels of total lead and TPH at the site demonstrated that both constituents do not pose an unacceptable risk to human health and the environment even under the most conservative, future land use scenario. No health risk was attributable to the paint waste impacted soil. Because the investigative studies conducted at the Hagerson Road site is consistent with the conclusion that the site does not present an unacceptable risk to human health, safety and the environment, Hagerson Road Drum site is useable for the most conservative use, residential development, without any further remediation.

This notice is issued to finalize the delisting process which began on November 12, 1996, when the Executive Director of the TNRCC issued a public notice in the *Texas Register* (21 TexReg 11126) of TNRCC's intent to delist the Hagerson Road site from the List of Sites Proposed For Listing on the State Superfund Registry, following the determination made pursuant to 30 TAC §335.344(c), that the site does not present an imminent and substantial endangerment to public

health and safety. The notice (21 TexReg 11126) further indicated that the TNRCC shall hold a public contested hearing, as required in 30 TAC §335.344(b), if a written request is filed with the chief hearings examiner of the commission within 30 days, challenging the determination by the executive director made pursuant to 30 TAC §335.344(c). Equivalent publication of this notice (21 TexReg 11126) were also published in the two local newspapers: Fort Bend Sun of November 14, 1996; and Fort Bend Star of November 13, 1996. The TNRCC did not receive any request for a contested public hearing from any interested persons during the request period (within 30 days of publication of notice). Hagerson Road Drums State Superfund Site, Dewalt Texas, is therefore, hereby delisted and ceases to be treated as a superfund site. In accordance with §361.188(d) of the Health and Safety Code, the commission shall file or cause to be filed in the real property records of Fort Bend an affidavit or notice stating that the facility (Hagerson Road Drums State Superfund site) has been deleted from the list of sites proposed for listing on the State Superfund Registry.

All inquiries regarding the delisting of the Hagerson Road Drums State Superfund site should be directed to Bruce McAnally, TNRCC, Community Relations Unit, at 1-800-633-9363.

Issued in Austin, Texas, on April 7, 1997.

TRD-9704823

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: April 10, 1997



## Public Notice

The Texas Natural Resource Conservation Commission (TNRCC) is required under the Texas Solid Waste Disposal Act, Texas Health and Safety Code Chapter 361, as amended (the Act), to identify and assess facilities that may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment. The first registry of such sites was published in the *Texas Register* on January 16, 1987 (12 TexReg 205). The last registry was published on April 12, 1996 (21 TexReg 3273). Since the last annual publication, there have been two additions (Barlow's Wills Point Plating and Sampson Horrice) to the list of sites proposed for the State Superfund Registry and two deletions (Pip Minerals and Hagerson Road Drum) from the State Superfund Registry list of sites that may constitute an imminent and substantial endangerment. Pursuant to Section 361.181, the registry identifying those facilities that may constitute an imminent and substantial endangerment in Texas lists those facilities in relative priority of need of action as follows:

1. Col-Tex Refinery, adjacent to Colorado City, Mitchell County: Oil refinery, tank farm and sludge pits.
2. Houston Scrap, 3799 Jensen Drive, Houston, Harris County: Scrap metal and battery recycling.
3. Houston Lead, 300 Holmes Road, Houston, Harris County: Battery recycling.
4. State Marine, Yacht Club Rd., Port Arthur, Jefferson County: Barge cleaning.
5. Precision Machine, 500 W. Olive St., Odessa, Ector County: Machine and chrome plating.
6. Sonics International, Inc., 2 miles west of Ranger on the north side of FM Road 101, Eastland County: Two hazardous waste injection wells.
7. Maintech International, 8300 Old Ferry Road, Port Arthur, Jefferson County: Chemical cleaning service.
8. Federated Metals, 9200 Market Street, Houston, Harris County: Metal smelting and reclamation plant.
9. Gulf Metals, northwest corner of the intersection of Mykawa and Alameda-Genoa, Houston, Harris County: Metal slag and organic waste disposal.
10. Wortham Lead Salvage, on the north side of Highway 175 approximately 2.5 miles southeast of Mabank, Henderson County: Battery recycling.
11. Texas American Oil, approximately 3 miles north of Midlothian on State Highway 67, Ellis County: Waste oil recycling and refinery.
12. Niagara Chemical, 421 North C Street, Harlingen, Cameron County: Pesticide formulation plant.
13. International Creosoting, 1110 Pine Street, Beaumont, Jefferson County: Wood creosoting.
14. McBay Oil & Gas, 3 miles northwest of Grapeland on FM Road 1272, Houston County: Waste oil recycling and refinery.
15. Aztec Mercury, 401 Callaway Drive, Alvin, Brazoria County: Mercury recycling.
16. Solvent Recovery Services, 5502 Highway 521 approximately 0.2 mile south of Highway 521 and Highway 6, Arcola, Fort Bend County: Solvent Recovery.
17. Harris Sand Pits, 23340 South Highway 16, 10.5 miles south of San Antonio city limits, Bexar County: Industrial waste disposal.
18. Butler Ranch, 11.8 miles west of Falls City on FM Road 791, Karnes County: Industrial waste disposal.
19. Hayes-Sammons Warehouse, East 8th Street and Moller Avenue, Mission, Hidalgo County: Pesticide storage.
20. Baldwin Waste Oil Company, on County Road 44 approximately 0.1 mile west of Highway 77, Robstown, Nueces County: Waste oil recycling.
21. Waste Oil Tank Service, 2010 Hartwick Road off Highway 59 N, Houston, Harris County: Waste oil recycling.
22. Hall Street, north of intersection of California Street and 20th Street East, north of Dickinson, Galveston County: Industrial waste disposal.
23. Unnamed Plating Site, 6816-6824 Industrial Boulevard, El Paso, El Paso County: Metal plating waste ponds.
24. La Pata Oil/S.W. Oil, 1403 Ennis Street, Houston, Harris County: Waste oil recycling.
25. Munoz Borrow Pits, 0.1 mile south of Highway 83 on FM Road 1016, Mission, Hidalgo County: Pesticide contaminated fill area.